

REMARKS

Claims 1-9, 11-20, 22-26 and 28-30 are pending in the application.

Claims 1-5, 12-15 and 22-24 over O'Neal in view of Wallace

In the Office Action, claims 1-5, 12-15 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,411,685 to O'Neal ("O'Neal") in view of U.S. Patent No. 6,061,432 to Wallace et al. ("Wallace"). The Applicants respectfully traverse the rejection.

Claims 1-5, 12-15 and 22-24 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

The Examiner alleged that O'Neal teaches "inherently, the user can delete a voicemail message from a keypad (column 7, lines 65 to column 8, line 3). However, inherency is not applicable in a rejection under §103. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). Thus, the rejection of claims 1-5, 12-15 and 22-24 under 35 U.S.C. §103(a) is improper and must be withdrawn.

Moreover, under the doctrine of necessary inherency, anticipation may be established when a single prior art reference fails to disclose the claimed invention ipsissimis verbis, but the natural and invariable practice of the reference would necessarily inherently meet all the elements of the claim. See, e.g., Verdegaal Bros., Inc. v. Union Oil Co. of Cal., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987); In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); Tyler Refrigeration v. Kysor Indus. Corp., 777 F.2d 687, 227 USPQ 245 (Fed. Cir. 1985); Ethyl Molded Products Co. v. Betts Package Inc., No. 85-111 1032 (D.C.E.D. Kent. 1988). The doctrine of inherency is available only when the inherency can be established as a certainty; probabilities are not sufficient. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981); In re Chandler, 254 F.2d 396, 117 USPQ 361 (CCPA 1981); Ethyl Molded Prod. Co. at 1032. O'Neal's invention is directed toward a unified messaging system that allows a user to review various types of messages from a computer screen (see

Abstract and Figs. 7-18). The Examiner has failed to show that O'Neal performs any operations with a keypad as a certainty since the operations are performed on a computer via a GUI (see Figs. 7-18). Thus, O'Neal fails to disclose any operations are performed via a keypad, much less the claimed operation of deletion of a voice message.

The Examiner acknowledged that O'Neal fails to disclose automatically compressing a voice message once stored in a Trash Bin (see Office Action, page 3). The Office Action relied on Wallace to make up for the deficiencies to arrive at the claimed features. The Applicants respectfully disagree.

Wallace appears to disclose compression of messages for storage on a hard disk at col. 1, lines 16-23. However, it is when a message is compressed that provides a benefit to the Applicants' claimed features. Applicants' compression upon deletion allows messages that a user either has already reviewed or deemed to lack importance to take up less space on a voice messaging system by compressing their content. Although compression typically reduces voice quality, such voice quality becomes less important once a user has reviewed a voice message or has deemed a voice message to lack importance. Wallace disclosing compression of all messages for storage on a hard disk fails to disclose or suggest compression after a specific event takes place, i.e., upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, as recited by claims 1-5, 12-15 and 22-24.

Thus, the Examiner has still failed to provide a single reference that discloses or suggests the use of compression after a specific event takes place, i.e., upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, much less compression of a deleted voice message, as recited by claims 1-5, 12-15 and 22-24.

Moreover, the Examiner's alleged that modifying O'Neal with the disclosure of Wallace "would have clarified how voice messages were handled by voice messaging system, and storing compressed voice messages would

have reduced the storage memory space.” (see Office Action, page 3). However, the Examiner has failed to show how modifying O’Neal with Wallace’s compression of all voice messages would have clarified how voice messages were handled by voice messaging system. Clarified how voice message were handled in what way? Moreover, O’Neal fails to disclose any type of deficiency of memory space that requires any type of compression. The prior art fails to provide any suggestion for the Examiner’s modification of O’Neal. Thus, the Examiner motivation for modifying O’Neal is nonsensical and unsupported by any suggestion within the cited prior art and therefore would be based on improper hindsight.

O’Neal in view of Wallace fails to disclose or suggest use of compression after a specific event takes place, i.e., upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, much less disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1-5, 12-15 and 22-24.

Accordingly, for at least all the above reasons, claims 1-5, 12-15 and 22-24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6 and 16-18 over O’Neal, Wallace and Yaker

In the Office Action, claims 6 and 16-18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over O’Neal in view of Wallace, and further in view of U.S. Patent No. 6,137,864 to Yaker (“Yaker”). The Applicants respectfully traverse the rejection.

Claims 6 and 16-18 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible

voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, O'Neal in view of Wallace fails to disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 6 and 16-18.

The Examiner relies on Yaker to disclose a method for permanently deleting a voice message after the voice message has been deleted by keeping the deleted voice message in a memory area for a period of time, such as one day, day or weeks before permanently deleting it (see Office Action, page 5). However, Yaker is directed toward a system and method for permanently deleting an active voice message after a period of time after first recording and/or being reviewed (See Abstract) not permanently deleting a voice message after the voice message has been deleted by keeping the deleted voice message in a memory area for a period of time, as alleged by the Examiner.

Thus, O'Neal in view of Wallace and Yaker would still fail to disclose or suggest compressing a deleted voice message after a specific event takes place, i.e., upon a user selecting a keypad option to delete the voice message. Thus, O'Neal in view of Wallace and Yaker fails to disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 6 and 16-18.

Accordingly, for at least all the above reasons, claims 6 and 16-18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 8, 19 and 25 over O'Neal in view of Wallace and Garson

In the Office Action, claims 7, 8, 19 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jones in view of Becker and Carbone, and further in view of U.S. Patent No. 5,689,550 to Garson et al. ("Garson"). The Applicants respectfully traverse the rejection.

Claims 7, 8, 19 and 25 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 7, 8, 19 and 25 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, O'Neal in view of Wallace fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 7, 8, 19 and 25.

Garson at col. 16, lines 23-32 is relied on by the Examiner to allegedly disclose that when voice messages in a memory area reaches its limit by percentage of memory area, or by the number of calls, the oldest record is deleted (See Office Action, page 6). However, a reading of Garson at col. 8, lines 1-11 discloses that Garson's invention is directed toward using voice compression for a call not compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 7, 8, 19 and 25.

Thus, O'Neal in view of Wallace and Garson would at best result in compressing voice messages stored in an in-box and during a call not compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 7, 8, 19 and 25.

Accordingly, for at least all the above reasons, claims 7, 8, 19 and 25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 20 and 26 over O'Neal in view of Wallace and Sweet

In the Office Action, claims 9 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over O'Neal in view of Wallace, and further in view of U.S. Patent No. 5,163,085 to Sweet et al. ("Sweet"). The Applicants respectfully traverse the rejection.

Claims 9, 20 and 26 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 9, 20 and 26 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, O'Neal in view of Wallace fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 9, 20 and 26.

The Examiner relies on Sweet to allegedly make up for the deficiencies in O'Neal in view of Wallace. The Applicants respectfully disagree.

Sweet at col. 12, lines 53-60 is relied on by the Examiner to allegedly disclose that when voice messages in a memory file reaches a predetermined percentage level, the oldest voice messages in the voice file are deleted (See Office Action, page 7). However, a reading of Sweet at col. 3, lines 52-62 discloses using voice compression for incoming digitized voice signals not compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 9, 20 and 26.

Thus, O'Neal in view of Wallace, and further in view of Sweet would at best result in compressing voice messages stored in an in-box and for incoming digitized voice signals not compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 9, 20 and 26.

Accordingly, for at least all the above reasons, claims 9, 20 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 11 over O'Neal in view of Wallace and Newton

In the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over O'Neal in view of Wallace, and further in view of U.S. Patent No. 5,978,757 to Newton ("Newton"). The Applicants respectfully traverse the rejection.

Claim 11 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 11 recites a system wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, O'Neal in view of Wallace fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claim 11.

The Examiner relies on Newton to allegedly make up for the deficiencies in Miner. The Applicants respectfully disagree.

Newton at col. 4, lines 1-9, 20-32 and col. 15-18 is relied on by the Examiner to allegedly disclose new voice messages with a lower compression

ratio are deleted from a new voice message storage area, compressed with a higher compression ratio, and then stored in a compressed message memory area (See Office Action, page 8). However, a reading of Newton in its entirety fails to disclose or suggest compression of a voice message compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claim 11.

Thus, O'Neal in view of Wallace and Newton would at best result in compressing voice messages stored in an in-box not compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claim 11.

Accordingly, for at least all the above reasons, claim 11 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 28-30 over O'Neal in view of Mohler and Tow

In the Office Action, claims 28-30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over O'Neal in view of U.S. Patent No. 5,930,337 to Mohler ("Mohler"), and further in view of EP 820182 to Tow ("Tow"). The Applicants respectfully traverse the rejection.

Claims 28-30 recite a system and method for dynamically adjusting a total storage space allocated to each of a user accessible first memory area and a second memory area from a common total memory space to optimize a space available for the user accessible first memory area and the second memory area, the user accessible first memory area is used to store a user accessible voice message and the second memory area is used to store a user deleted voice message.

The Examiner acknowledged that O'Neal fails to disclose dynamically allocating memory space to each mailbox to optimize memory usage (see Office Action, page 9). The Examiner alleged that Mohler and Tow make up for the acknowledged deficiency in O'Neal to arrive at the claimed features. The Applicants respectfully disagree.

The Examiner alleged that Mohler discloses dynamically varying mailbox sizes, in that the size of each mailbox is automatically adjusted based on how many voice messages (memory size) are stored at Abstract, col. 2, lines 19-30 and col. 3, lines 43-49). Mohler appears to disclose automatic resizing of mailboxes based on information gathered through periodic activity audits (see Abstract). However, Mohler fails to disclose or suggest application to a memory area that is used to store a user deleted voice message. Thus, O'Neal modified by Mohler at best would suggest dynamic adjustment of mailboxes not dynamic adjustment of a memory area is used to store a user deleted voice message, as recited by claims 28-30.

Tow appears to disclose reallocation of memory assigned to a mailbox upon deletion of a message from the mailbox. However, Applicants' claims are directed toward reallocation of two memory areas, with the second memory area being used to store a user deleted voice message. Thus, Tow fails to disclose a memory area assigned to store user deleted voice messages, much less dynamically adjusting a memory area assigned to store user deleted voice messages, as recited by claims 28-30. Thus, O'Neal modified by Tow would at best result in memory assigned to O'Neal's mailboxes being dynamically adjusted. O'Neal in view of Tow fails to disclose or suggest applying Tow's dynamic adjustment of a mailbox to a memory area assigned to store user deleted voice messages, as recited by claims 28-30.

The Examiner's motivation statement alleged it would have been obvious to modify O'Neal with the disclosures of Mohler and Tow so that memory space used for mailboxes would have been dynamically adjusted when messages were added to or deleted from, because such a modification would have allocated memory space based on actual usage to eliminate wasting memory in under occupied mailboxes (see Office Action, page 9). However, the Examiner's motivational statement is unsupported by a suggestion within the cited prior art. O'Neal fails to disclose wasted memory or limited memory that would require any type of dynamic adjustment to maximize the use of a limited resource. Thus, the cited prior art fails to provide any suggestion to modify

O'Neal in the manner suggested by the Examiner and the Examiner's alleged modification of O'Neal would be based on improper hindsight.

O'Neal in view of Mohler and Tow fails to disclose or suggest applying dynamic adjustment to anything other than conventional mailboxes. O'Neal in view of Mohler and Tow fails to disclose or suggest applying dynamic adjustment to a memory area assigned to store user deleted voice messages, as recited by claims 28-30.

Accordingly, for at least all the above reasons, claims 28-30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1, 12 and 22 over Jones in view of Becker and Carbone

In the Office Action, claims 1-5, 12-15 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,522,727 to Jones in view of U.S. Patent No. 5,699,411 to Becker et al. ("Becker"), and further in view of U.S. Patent No. 5,128,859 to Carbone et al. ("Carbone"). The Applicants respectfully traverse the rejection.

Claims 1, 12 and 22 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

The Examiner acknowledged that Jones fails to disclose compressing a voice message when it is archived (See Office Action, page 4). However, claims 1, 12 and 22 do not recite compression of archived voice messages. Applicants' claimed features are directed toward a novel system and method of handling user deleted voice messages. Thus, Jones fails to disclose or suggest compressing a voice message when it is deleted, as recited by claims 1-5, 12-15 and 22-24.

Becker was relied on to disclose a system for compressing archived files (see Office Action, page 10). However, as discussed above,

Applicants' claimed features are directed toward compression of deleted voice messages. Becker fails to disclose or suggest compression of a deleted voice message, much less disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1, 12 and 22.

The Examiner acknowledged that Carbone discloses automatic compression of data files for archiving at col. 2, lines 3-5. However, However, as discussed above Becker, Applicants' claimed features are directed toward compression of deleted voice messages. Becker fails to disclose or suggest compression of a deleted voice message, much less disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1, 12 and 22.

The Examiner has still failed to provide a single reference, much less Jones in view of Becker and Carbone, that discloses or suggests applying compression to a deleted voice message upon a user selecting a keypad option to delete the voice message, much less disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1, 12 and 22.

Accordingly, for at least all the above reasons, claims 1-5, 12-15 and 22-24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 28-30 over Knuth and Tow

In the Office Action, claims 28-30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,400,393 to Knuth et al. ("Knuth") in view of Tow. The Applicants respectfully traverse the rejection.

Claims 28-30 recite a system and method for dynamically adjusting a total storage space allocated to each of a user accessible first memory area and a second memory area from a common total memory space to optimize a space available for the user accessible first memory area and the second memory area, the user accessible first memory area is used to store a user accessible voice message and the second memory area is used to store a user deleted voice message.

The Examiner acknowledged that Knuth fails to disclose dynamically allocating memory space to each mailbox to optimize memory usage (see Office Action, page 12). The Examiner alleged that Tow makes up for the acknowledged deficiency in O'Neal to arrive at the claimed features. The Applicants respectfully disagree.

As discussed above, Tow appears to disclose reallocation of memory assigned to a mailbox upon deletion of a message from the mailbox. However, Applicants' claims are directed toward reallocation of two memory areas, with the second memory area being used to store a user deleted voice message. Thus, Tow fails to disclose a memory area assigned to store user deleted voice messages, much less dynamically adjusting a memory area assigned to store user deleted voice messages, as recited by claims 28-30. Thus, Knuth modified by Tow would at best result in memory assigned to O'Neal's mailboxes being dynamically adjusted, not disclosing or suggesting applying Tow's dynamic adjustment of a mailbox to a memory area assigned to store user deleted voice messages, as recited by claims 28-30.

Knuth in view of Tow fails to disclose or suggest applying dynamic adjustment to anything other than conventional mailboxes. Knuth in view of Tow fails to disclose or suggest applying dynamic adjustment to a memory area assigned to store user deleted voice messages, much less disclose or suggest a

system and method for dynamically adjusting a total storage space allocated to each of a user accessible first memory area and a second memory area from a common total memory space to optimize a space available for the user accessible first memory area and the second memory area, the user accessible first memory area is used to store a user accessible voice message and the second memory area is used to store a user deleted voice message, as recited by claims 28-30.

Accordingly, for at least all the above reasons, claims 28-30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
MANELLI DENISON & SELTER PLLC

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHB/df